

## ARTICLE 34

### R-40 - RESIDENTIAL DISTRICT

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**Legislative Intent.** This district is comprised of low density, single family dwellings, and other selected uses which are compatible with the low density residential character of the district. The established regulations for this district are designed to promote and encourage an environment for family life, and thus, all commercial activities are prohibited. Densities shall not exceed one dwelling unit per acre. In order to provide and encourage innovative designs in residential developments so that open lands may be developed both efficiently and with imagination; cluster developments or traditional developments are encouraged.

34-1 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

#### 34-1.1 Uses Permitted by Right:

- Single-family detached dwelling units .
- Accessory buildings.
- Home occupations.
- Agricultural uses existing at the effective date here of.
- Yard sales or garage sale for the disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households of adjoining neighbors.
- Signs subject to Article 25.
- Off street parking for permitted uses subject to Article 24.
- Open space subject to Article 23.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit.
- Group homes of eight residents or less serving physically handicapped, mentally ill (but not including individuals characterized by illegal use of or addiction to a controlled substance), mentally retarded, or other developmentally disabled persons.

**34-1.2** Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 4, Section 4-8.

- Cluster alternate-see section 7-6.
- Family day care home.
- Group homes of more than eight residents serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons.
- Schools.
- Parks and playgrounds.
- Churches and other places of worship.
- Golf courses, swim and tennis clubs.
- Bed and Breakfast facility.
- Community buildings.
- Home professional office.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.
- Active and passive recreation and recreational facilities.

**34-1.3** Uses Permitted by Special Exception. The following uses will be permitted upon authorization of the Board of Zoning Appeals subject to Article 29, Section 29-5.

- Accessory dwelling units.

## **34-2 Area Regulations**

<u>Use</u>	<u>Minimum</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u> <u>Setbacks</u>		
	<u>Lot Size</u>	<u>Lot Frontage</u>	<u>Lot Coverage</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Single-Family	40,000	135	None	60	25	35
Single-Family	25,000	90	65%	50	20	
Cluster				25		
Other Permitted	43,560	90	65%	50	30	
Uses				35		

The minimum area regulations may be modified by the Town Council in accordance with the provisions of Section 4-8.2a.

Front setbacks shall be equal to the average setbacks for all buildings on the same side of the street within 500 feet, but in no case shall they be less than the minimum described above.

1. expressed in square feet
2. as measured at the front setback
3. includes all impervious surfaces
4. as measured from the street right-of-way
5. 90 feet from the right-of-way of a street having a right-of-way greater than 50 feet.

### **34-3 Height Regulations**

Buildings may be erected up to thirty-five (35) feet in height except that:

- The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yards setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet.
- A public or semi-public building such as a school or church, may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty (35) feet.
- Church spires, belfries, cupolas, municipal water towers, chimney, flues, flagpoles, and television antennas are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any property lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.

### **34-4 Special Provisions for Corner Lots**

- Of the two (2) sides of a corner lot the front lot line shall be deemed to be the shortest of the two (2) sides fronting on the streets.
- The side yard setback adjacent to the side street shall be in conformity with the minimum front yard setback.
- The lot width along the side street shall be in conformity with the minimum lot width requirements for the respective use.

### **34-5 Special Provisions for Accessory Structures**

- Accessory building aggregate area shall not exceed ten (10) percent of the

area of the rear yard.

- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within ten (10) feet of the main structure, except that an accessory building may be built to the property line as a party wall, provided the applicant files with the Zoning Administrator, the written consent of the owners for the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.
- Attached carports, garages, or other attached accessory buildings and structures shall be subject to the same setbacks as the main structure.

#### **34-6 Cluster Development Alternate, Qualifying Procedure, and Open Space Requirements**

The cluster development alternate may be permitted by special use permit and subject to all provisions of Section 4-8, Special Use Permits, provided there is compliance with the standards for cluster development as set forth in the district regulations.

- A sketch plan shall be approved in accord with the requirements of Section 4-8 and in addition the proposed development shall follow all applicable procedures, standards, and requirements governing the subdivision of land. Such plans shall be contained on sheets measuring a minimum of 18" X 24" and a maximum of 36" X 24".
- The minimum area of a cluster development shall be sufficient to accommodate at least ten (10) lots or dwelling units plus minimum required open space, and in addition documentation shall be provided to demonstrate that the land to be developed is under one (1) ownership or control, or in the case of several owners, that agreement has been reached that the tract shall be developed under single direction and in the manner approved.
- The maximum density of the development shall not exceed one (1) unit per gross acre.
- The design shall be prepared to encourage permanent reservation of open space and efficient and improved use of land to provide good building sites by taking advantage of topography and minimizing grading and destruction of natural vegetation, particularly mature trees on steep slopes and in stream valleys. Plans shall not be approved where the clear purpose of the design is to subvert the purposes of these regulations by inclusion of excessively unbalanced distribution of land among lots or inclusion of open spaces

which are inappropriately located or which will not contribute the future amenity of the development.

- The cluster development shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed or undeveloped properties, and to this end may employ such design techniques as may be appropriate in a particular case, including coordination of yard dimension, location of lots of various sizes, location of buildings with respect to project boundary lines, location of open spaces, and maintenance of vegetation.
- No resubdivision or sale by any means shall be permitted in a development approved under this section which resubdivision or sale would create a violation of this Ordinance.
- A minimum of thirty (30) percent of the subject tract shall be designated as permanent common open space in accord with the provisions of Article 23. Such land may include parks, woodlands, steep slopes, flood plains, bodies of water, or any natural feature appropriate for preservation; provided, however, that not more than thirty (30) percent of the required open space shall consist of bodies of water. Private recreation facilities such as swimming pools and tennis courts, the use for which is limited to the occupations of the development, may be included as part of the required open space, as may those buildings, structures, or sites officially listed on the Virginia Landmarks Register.

#### **34-7 Lighting**

Lighting facilities shall be arranged in a manner which will protect the streets and neighboring properties from direct glare or hazardous interference. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

(Adopted by Town Council 4/14/98)